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FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			COLBERT, ELLA	
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			3624	

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application N .	Applicant(s)
	08/863,047	ITO ET AL.
	Examiner Ella Colbert	Art Unit 3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 21 November 2003.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,3,4,9,10,12,13,15-46 and 62-67 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1, 3, 4, 9, 10, 12, 13, 15-46, and 62-67 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Amendment***

1. Claims 1, 3, 4, 9, 10, 12, 13, 15-46, and 62-67 are pending. Claims 1, 9, and 12 have been amended and claims 62-67 have been added in this communication filed 11/21/03 entered as Amendment H, paper no.33.

### ***Claim Objections***

2. Claims 9, 10, and 13 are objected to because of the following informalities: Claim 9, line 7 recites "document folder to be stored; and". This limitation would be better read "document folder to be stored;". Claims 10 and 13 have a similar problem. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,243,724) Mander et al, hereafter Mander in view of (US 5,923,845) Kamiya et al, hereafter Kamiya.

With respect to claim 1, Mander teaches, a folder retaining means for retaining a plurality of folders each of the folders storing at least one document (col. 7, lines 23-51

and col. 8, lines 31-46); and a candidate folder selecting means for selecting a plurality of candidate folders suitable for storing a new document as a folder to be stored (col. 9, lines 50-48).

Mander fails to teach, a new document retaining means for retaining a new document; a notifying means for notifying the plurality of candidate folders selected by said candidate folder selecting means to a user; and storing means for storing the new document into a selected folder selected by the user from the plurality of candidate folders notified by said notifying means.

Kamiya teaches, a new document retaining means for retaining a new document (col. 9, lines 29-67 and col. 10, lines 1-4); a notifying means for notifying said a plurality of candidate folders selected by said candidate folder selecting means to a user (col. 9, lines 1-28); and storing means for storing the new document into a selected folder selected by the user from the plurality of candidate folders notified by said notifying means (col. 10, lines 4-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a new document retaining means for retaining a new document; a notifying means for notifying said a plurality of candidate folders selected by said candidate folder selecting means to a user; and storing means for storing the new document into a selected folder selected by the user from the plurality of candidate folders notified by notifying means because such a modification would enhance Mander's document classification system by providing a sort structure.

5. Claims 3, 4, 9, 10, 12, 13, 15-46, and 62-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mander and Kamiya as applied to claim 1 above, and further in view of (US 5,832,470) Morita et al, hereafter Morita.

With respect to claim 3, Mander and Kamiya failed to teach, candidate folders suitable for saving the new document are selected and a list of selected candidate folders is displayed. Morita discloses, candidate folders suitable for saving the new document are selected and a list of selected candidate folders is displayed (col. 16, lines 29-52). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have candidate folders suitable for saving the new document are selected and a list of selected candidate folders is displayed and to modify in Mander because such a modification would allow Mander to have a hierarchy of folders with first hierarchy being the top class as a result of the classification and the equal number of folders for the lower rank of each folder listed.

With respect to claim 4, Mander and Kamiya failed to teach, a judging means for judging a similarity degree between document information of a new document to be stored and a plurality of sets of information of documents stored in folders existing at a position in a sort structure; a similarity order calculating means for calculating a similarity order of a plurality of folders in accordance with the similarity degree judged by the judging means and a notifying means for notifying the plurality of folders together with the similarity order calculated by said similarity order calculating means to a user. Morita teaches, a judging means for judging a similarity degree between document information of a new document to be stored and a plurality of sets of information of

documents stored in folders existing at a position in a sort structure (col. 13, lines 13-25); a similarity order calculating means for calculating a similarity order of a plurality of folders in accordance with the similarity degree judged by the judging means (col. 13, lines 26-35) and a notifying means for notifying the plurality of folders together with the similarity order calculated by said similarity order calculating means to a user (col. 12, lines 42-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a judging means for judging a similarity degree between document information of a new document to be stored and a plurality of sets of information of documents stored in folders existing at a position in a sort structure; a similarity order calculating means for calculating a similarity order of a plurality of folders in accordance with the similarity degree judged by the judging means and a notifying means for notifying the plurality of folders together with the similarity order calculated by said similarity order calculating means to a user and to modify in Mander because such a modification would allow Mander to have a folder for storing a document judged as noise and only prepared in the folder in which a noise document exists and it can be judged that the inside of the single key word folder can be classified in detail.

This independent claim is rejected for the similar rationale given above for claim 1.

With respect to claim 9, this independent claim is rejected for the similar rationale given for claims 1 and 4.

With respect to claim 10, this independent claim is rejected for the similar rationale given for claim 4.

With respect to claim 12, Mander teaches, a computer readable storage medium for storing programs (col. 5, lines 43-54 (hard disk)). This independent claim is also rejected for the similar rationale given for claims 1 and 9.

With respect to claim 13, this independent claim is rejected for the similar rationale given for claims 1, 4, 9, and 10.

With respect to claim 15, this dependent claim is rejected for the same rationale given for claim 3.

With respect to claim 16, this dependent claim is rejected for the same rationale given for claims 3 and 15.

With respect to claim 17, Mander and Kamiya failed to teach, updating the feature of the folder in response to saving the new document in the candidate folder. Morita discloses, updating the feature of the folder in response to saving the new document in the candidate folder (col. 14, lines 5-10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to update the feature of the folder in response to saving the new document in the candidate folder. Morita teaches, updating the feature of the folder in response to saving the new document in the candidate folder and to modify in Mander because such a modification would allow Mander to have a pointer to a child folder (new document) information list and a pointer to the parent folder (candidate folder) information list of the classification hierarchy.

With respect to claim 18, Mander and Kamiya failed to teach, the document includes vector data. Morita teaches, the document includes vector data (col. 11, lines

20-36). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the document include vector data and to modify in Mander because such a modification would allow Mander to have the distance of the word vector and the average vector of each document calculated.

With respect to claim 19, Mander teaches, the candidate folder has a high-level rank as determined by the result of the comparison (col. 1, lines 66-67 and col. 2, lines 1-11).

With respect to claim 20, Mander and Kamiya failed to teach, a notifying means displays a label which is set in advance to indicate the candidate folder. Morita teaches, a notifying means displays a label which is set in advance to indicate the candidate folder (col. 25, lines 19-35). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a notifying means displays a label which is set in advance to indicate the candidate folder and to modify in Mander because such a modification would allow Mander to have the folder retrieval supporting process indicated to the retrieval supporting function (notifying means) and displaying the first hierarchy arranged in order of the number documents. It is inherent that the label of the candidate folder would be at the top of the hierarchy.

With respect to claim 21, Mander teaches, the document includes text data (col. 2, lines 32-40). It is inherent that electronic mail documents contain text data.

With respect to claim 22, Mander teaches, a selected candidate folder (col. 18, lines 33-53). Mander, Kamiya, and Morita failed to teach, saving the new document, but it is well known in the art by one having ordinary skill in the art to save a new

document to a folder because a user can retrieve the saved document from the folder and work on the document when the document is needed.

With respect to claim 23, this dependent claim is rejected for the similar rationale given for claim 17.

With respect to claim 24, this dependent claim is rejected for the similar rationale given for claim 18.

With respect to claim 25, this dependent claim is rejected for the similar rationale given for claim 19.

With respect to claim 26, this dependent claim is rejected for the similar rationale given for claim 20.

With respect to claim 27, this dependent claim is rejected for the similar rationale given for claim 21.

With respect to claim 28, this dependent claim is rejected for the similar rationale given for claim 22.

With respect to claim 29, this dependent claim is rejected for the similar rationale given for claim 23.

With respect to claim 30, this dependent claim is rejected for the similar rationale given for claims 18 and 24.

With respect to claim 31, this dependent claim is rejected for the similar rationale given for claims 19 and 25.

With respect to claim 32, this dependent claim is rejected for the similar rationale given for claim 20.

With respect to claim 33, this dependent claim is rejected for the similar rationale given for claim 21.

With respect to claim 34, this dependent claim is rejected for the similar rationale given for claims 22 and 28.

With respect to claim 35, Mander and Kamiya failed to teach, wherein said notifying means provides notification only of a predetermined number of folders with a high rank of similarity order. Morita teaches, wherein said notifying means provides notification only for a predetermined number of folders with a high rank of similarity order (col. 12, lines 42-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a notification only for a predetermined number of folders with a high rank of similarity order and to modify in Mander because such a modification would allow Mander to have a first hierarchy or top class of the classification system when the key word is related (high rank of similarity order).

With respect to claim 36, Mander and Kamiya failed to teach, the document is stored in a folder mentioned in the notification provided by the notifying means. Morita teaches, the document is stored in a folder mentioned in the notification provided in the notifying means (col. 12, lines 65-67 and col. 13, lines 13-19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the document stored in a folder mentioned in the notification provided in the notifying means and to modify in Mander because such a modification would allow

Mander to have a single key word folder since documents attracted to one key word are stored as mentioned in a notification.

With respect to claim 37, this dependent claim is rejected for the similar rationale given for claim 26.

With respect to claim 38, this dependent claim is rejected for the similar rationale given for claim 27.

With respect to claim 39, this dependent claim is rejected for the similar rationale given for claim 35.

With respect to claim 40, Mander and Kamiya failed to teach, the document is stored in at least one folder mentioned in the notification in the notifying step. Morita teaches, the document is stored in at least one folder mentioned in the notification in the notifying step (col. 12, lines 65-67 and col. 13, lines 13-19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the document stored in a folder mentioned in the notification provided in the notifying means and to modify in Mander because such a modification would allow Mander to have a single key word folder since documents attracted to one key word are stored as mentioned in a notification.

With respect to claim 41, this dependent claim is rejected for the similar rationale given for claims 26 and 37.

With respect to claim 42, this dependent claim is rejected for the similar rationale given for claim 33.

With respect to claim 43, this dependent claim is rejected for the similar rationale given for claims 35 and 39.

With respect to claim 44, this dependent claim is rejected for the similar rationale given for claim 40.

With respect to claim 45, this dependent claim is rejected for the similar rationale given for claim 41.

With respect to claim 46, this dependent claim is rejected for the similar rationale given for claim 33.

With respect to claim 62, Mander and Kamiya failed to teach, A system according to claim 1, wherein said candidate folder selecting means selects a plurality of candidate folders suitable for storing the new document as a folder to be stored, by comparing a feature of the new document with an average of features of documents stored in a folder among the plurality of folders.

Morita teaches, A system according to claim 1, wherein said candidate folder selecting means selects a plurality of candidate folders suitable for storing the new document as a folder to be stored, by comparing a feature of the new document with an average of features of documents stored in a folder among the plurality of folders (col. 2, lines 66- col. 3, line 25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a system according to claim 1, wherein said candidate folder selecting means selects a plurality of candidate folders suitable for storing the new document as a folder to be stored, by comparing a feature of the new document with an average of features of documents stored in a folder among

the plurality of folders and to modify in Mander because such a modification would allow Mander to compare documents in the single key word folder with each other to prepare a related key word folder or a folder stored with retrieved conditions for designating a plurality of related words to be retrieved.

With respect to claim 63, Mander and Kamiya failed to teach, A system according to claim 1, wherein said notifying means notifies of only the plurality of candidate folders selected by said candidate folder selecting means to a user. Morita teaches, A system according to claim 1, wherein said notifying means notifies of only the plurality of candidate folders selected by said candidate folder selecting means to a user (col. 3, lines 38-57). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a system according to claim 1, wherein said notifying means notifies of only the plurality of candidate folders selected by said candidate folder selecting means to a user and to modify in Mander because such a modification would allow Mander to easily detect a desired document from a large number of documents.

With respect to claim 65, Mander and Kamiya failed to teach, A method according to claim 9, wherein said notifying step notifies of only the plurality of candidate folders selected in said candidate folder selecting step to a user. Morita teaches, wherein said notifying step notifies of only the plurality of candidate folders selected in said candidate folder selecting step to a user (col. 15, lines 27-46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the notifying step notifies of only the plurality of candidate folders

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selected in said candidate folder selecting step to a user and to modify in Mander because such a modification would allow Mander to arrange the documents according to the calculated similarities to cope with the retrieval problem.

With respect to claim 66, this dependent claim is rejected for the similar rationale given above for claim 62.

With respect to claim 67, this dependent claim is rejected for the similar rationale as given above for claim 65.

#### ***Allowable Subject Matter***

6. Claims 64 and 66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: claim 64 with a method for a plurality of candidate folders suitable for storing the new document as a folder to be stored is selected in said candidate folder selecting step by comparing a feature of the new document with an average of features of documents stored in a folder among the plurality of folders, was not made obvious or fairly suggested by the prior art of record.

#### ***Response to Arguments***

7. Applicants' arguments filed 11/21/03 have been fully considered but they are not persuasive. The following are considered by the Examiner to be the main issues.

Issue 1. Applicants' argue: Nothing in Mander is seen to disclose or to suggest notifying a user of a plurality of candidate folders selected as being suitable for storing a new document, and storing the new document in the candidate folder selected by the user from among the candidate folders about which the user was notified has been considered but is not persuasive because Mander was not used to reject these claim limitations in claim 1. The claim limitations notifying a user of a plurality of candidate folders selected as being suitable for storing a new document, and storing the new document in the candidate folder selected by the user from among the candidate folders about which the user was notified were rejected using the Kamiya reference. Therefore, this argument is "moot".

Issue 2. Applicants' argue: Kamiya is not seen to remedy the deficiencies of Mander and the cited portions of Kamiya is not seen to teach or suggest notifying a user of a plurality of candidate folders selected by a candidate folder selection means, and storing a new document in a folder selected by the user from the candidate folders about which the user has received notification has been considered but is not persuasive because it is interpreted that Kamiya teaches, notifying a user of a plurality of candidate folders selected by a candidate folder selection means, and storing a new document in a folder selected by the user from the candidate folders about which the user has received notification in col. 9, lines 1-28 and line 29 -col. 10, line 50.

Issue 3. Applicants' argue: Morita is not seen to remedy the deficiencies noted with respect to Mander and Kamiya and the hierarchical classification of folders is not seen to disclose or to suggest notifying a user of a plurality of candidate folders

selected by a candidate folder selection means and storing a new document in a folder selected by the user from the candidate folders about which the user has received notification has been considered but is not persuasive because Morita was not used to rejected the claim limitations in claim 1 hierarchical classification of folders is not seen to disclose or to suggest notifying a user of a plurality of candidate folders selected by a candidate folder selection means and storing a new document in a folder selected by the user from the candidate folders about which the user has received notification. Mander was used to reject the claim limitations the hierarchical classification of folders is not seen to disclose or to suggest notifying a user of a plurality of candidate folders selected by a candidate folder selection means and storing a new document in a folder selected by the user from the candidate folders about which the user has received notification. *Supra*.

Issue 4. Applicants' argue: Mander, Kamiya, not Morita, is not seen to disclose notifying the user of a calculated similarity order, together with a plurality of folders for which the similarity order has been calculated from a degree of similarity judged between a document to be stored and stored documents and stored documents, and storing the new document in a folder selected by the user from among the folders about which the user was notified has been considered but is not persuasive because it is interpreted that Morita teaches, notifying the user of a calculated similarity order, together with a plurality of folders for which the similarity order has been calculated from a degree of similarity judged between a document to be stored and stored documents and stored documents, and storing the new document in a folder selected by the user

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from among the folders about which the user was notified in col. 12, lines 42-67 and col. 13, lines 13- 35.

In conclusion: Applicants' are respectfully requested to point out what they consider to be the main novel feature of their invention and to distinctly claim that feature in each independent claim in an effort to move the case prosecution forward. The Examiner is confused as to which claim limitation is considered to be the main novel feature of Applicants' invention.

### **Conclusion**

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Inquiries***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



E. Colbert

January 30, 2004



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600